

Appln. No. 09/465,396  
Amdt dated March 23, 2005  
Reply to office action dated 02/23/2005

**Remarks**

The applicants are resubmitting herewith the amendments proposed in the response submitted on December 3, 2004. It appears difficulty on the applicant's side arises from the reference to claim 40, which has been cancelled, and claim 48, which was inadvertently omitted from the claims listing. Claim 48 has been reinstated and the reference to claim 40 in the remarks section has been removed. In the last response, the applicants elected the claims of group III, namely the apparatus claims (with traverse as to group I). It appears that the Examiner's current groupings do not correspond to the groupings in the previous restriction requirement, which has left the applicant somewhat confused. The applicant assumes that the current restriction requirement is intended to supersede the previous restriction requirement, and this response is presented on that basis.

What confuses the applicant further is that fact that the Examiner states that claims 63 to 81 are drawn to a method of beamforming, whereas in fact claim 69, (and amended claims 61, 62) forming part of this grouping, are clearly directed to a microphone apparatus.

In this response, the applicant respectfully elects the claims of group III as defined in the office action mailed 02/23/2005.

Applicant respectfully traverses with respect to the claims of group I since these claims fall in the same class, and relate to a method so closely associated with the elected apparatus claims that the applicants respectfully submit they can be examined without undue burden.

As to the species, the applicant elects species III, and particularly the embodiment of Figure 35, namely claims 79-81, wherein the diffracting structure has an open cellular structure to control acoustical impedance.

It is believed that the applicant has fully complied with the restriction requirement. If the Examiner believes the applicant has not fully complied, he is respectfully requested to telephone the undersigned.

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Reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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